

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 10516 OF 2022

Osama Rashidsab Masuldar .. Petitioner

Versus

Naushad Multan Sayyad .. Respondent

Shri Vivek Dhage, Advocate h/f Shri Mohammad Waseemullah,
Advocate for the Petitioner.

Shri Fayyaz K. Patel, Advocate for the Respondent.

CORAM : SANDEEP V. MARNE, J.

DATE : 12TH OCTOBER, 2022.

FINAL ORDER :

. Mr. Dhage, learned advocate holding for Mr. Md. Waseemullah, learned advocate appearing for the petitioner and Mr. Fayyaz Patel, learned advocate appearing for the respondent, after taking instructions from their respective clients submit that the award dated 01st March, 2019 passed by the Commissioner for Employees Compensation Act and Judge Labour Court, Latur in Application W.C.A. No. 06 of 2016 can be set aside by consent and the matter can be remanded back for fresh determination subject to condition that the petitioner deposits the entire amount of compensation of Rs. 7,68,852/- awarded along with interest till date in the Labour Court Latur within a period of six (06) weeks from today and further pays cost of Rs. 50,000/- (Rs. Fifty thousands only) to the respondent.

2. It is made clear that this agreement is reached between the parties after I have extensively heard the submissions made by the respective counsel.

3. In view of the agreement exhibited between the parties, I proceed to pass following order.

ORDER

A. The award dated 01st March, 2019 passed by the Commissioner for Employees Compensation Act and Judge Labour Court, Latur in Application W.C.A. No. 06 of 2016 is set aside.

B. The Application W.C.A. No. 06 of 2016 is restored on the file of Commissioner Employees Compensation Act and Judge Labour Court Latur.

C. The petitioner is directed to deposit with the Commissioner for Employees Compensation Act and Judge Labour Court, Latur amount of Rs. 7,68,852/- along with awarded interest till date of this order within a period of six (06) weeks from today. Amount is to be deposited in fixed deposited. It is clarified that the respondent shall not be entitled to apply for withdrawal of any of the deposited amount.

D. The petitioner shall pay cost of Rs. 50,000/- (Rs. Fifty thousands only) directly to the respondent by way of D.D. within a period of four (04) weeks from today.

E. The Commissioner for Employees Compensation Act and Judge Labour Court, Latur is requested to decide Application

W.C.A. No. 06 of 2010 as expeditiously as possible and in any event within a period of six (06) months from today.

F. In the event of failure on the part of the petitioner to comply with any of the directions of this Court, the award dated 01st March, 2019 in Application W.C.A. No. 06 of 3016 shall stand revived and executable in accordance with law.

G. With these directions and observations the writ petition is disposed of.

[SANDEEP V. MARNE, J.]

bsb/Oct. 22